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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF WASHINGTON**
9 **AT SPOKANE**

10 STATE OF WASHINGTON,

11 Plaintiff,

12 v.

13 BETSY DeVOS, in her official
14 capacity as Secretary of the United
15 States Department of Education, and
16 the UNITED STATES
17 DEPARTMENT OF EDUCATION, a
18 federal agency,

19 Defendants.

NO. 2:20-cv-00182-TOR

DECLARATION OF BRIAN
DIXON IN SUPPORT OF
PLAINTIFF'S MOTION TO
EXPEDITE AND SET
BRIEFING SCHEDULE FOR
PARTIAL SUMMARY
JUDGMENT

NOTED FOR: July 1, 2020
Without Oral Argument

1 I, Brian Dixon, declare as follows.

2 1. I am over the age of 18, competent to testify as to the matters herein,
3 and make this declaration based on my personal knowledge.

4 2. I submit this declaration in support of the State of Washington's
5 litigation against the United States Department of Education (ED) challenging the
6 guidance it issued that limit the number of students who can receive emergency
7 grants to students made available by Congress in the CARES Act. I have compiled
8 the information in the statements below through my personal knowledge or based
9 on the documents that I have reviewed. I have familiarized myself with the
10 information contained in the CARES Act sections regarding Higher Education as
11 well as with ED's FAQs and Interim Final Rule. I am also familiar with the
12 requirements for applications for financial aid under Title IV, section 484 of the
13 Higher Education Act.

14 3. This declaration supplements the statements I made in the declaration
15 submitted in support of Plaintiff's Motion for Preliminary Injunction in this action.

16 4. I have served as the Assistant Vice President of Student Financial
17 Services at Washington State University (WSU) since July 1, 2014. Prior to that I
18 worked as Vice President of Collegiate Consulting. Former Washington Financial
19 aid Association President, completing a doctorate in higher education policy and
20 leadership at Northcentral University (all but dissertation).

1 5. As Assistant Vice President of Student Financial Services, I help to
2 develop financial aid policies and procedures as well as enrollment policies and
3 strategies. Reporting to the Executive Director for Enrollment Management, I
4 advise senior administrators in formulating, interpreting, and implementing
5 financial aid and scholarship policies and strategies to ensure access, affordability,
6 and student success while meeting university enrollment goals. In my position, I
7 have ultimate responsibility for accurate, efficient, and timely delivery of annual
8 financial aid, which includes grants, scholarships, waivers, loans, and work-study
9 programs to all undergraduate, graduate, and professional students while ensuring
10 compliance with federal and state regulations as well as institutional policies.

11 6. Due to the financial and health emergencies posed by COVID-19,
12 there are thousands of students at WSU who are in need of CARES Act grants to
13 remain in school, and in some cases to survive. These impacts have fallen
14 particularly hard on our students of color. According to a nationally
15 representative survey performed by Strada Education Network based on more
16 than 10,000 responses collected between March 25 and May 28, 2020, Black
17 Americans and Latinos are significantly more likely than white Americans to
18 have changed or canceled their education plans.

19 7. Students at WSU have been denied CARES Act emergency grants
20 due to the ED's eligibility restriction that prevents students who participate in the
21 Deferred Action for Childhood Arrivals (DACA) program from receiving them.

1 Over 250 undocumented students, including many who are in the DACA
2 program, are enrolled at WSU. These students are in the group who have applied
3 for emergency financial assistance grants under the CARES Act. WSU has
4 attempted to use institutional and privately contributed funds to assist these
5 students, but requests by students whom ED has deemed ineligible have outpaced
6 the funds WSU possesses for these purposes.

7 8. Every day that passes where students who should be eligible for
8 emergency grants are denied this money raises the risk of students disengaging,
9 dropping out of school, and being forced to change their educational plans. I am
10 aware of DACA students who need emergency grants and have been spending
11 more money than they have coming in due to unplanned expenses caused by
12 COVID-19. Some of these students have managed to scrape together money to
13 cover these expenses but as a result have fallen behind in other areas, such as
14 payment of rent or covering other life expenses. Others were forced to suspend
15 their classes due to financial pressures or their inability to afford technology or
16 internet to effectively engage in online classes. If we were able to provide them
17 CARES Act emergency financial assistance, they would be better able to manage
18 the financial pressures COVID-19 has caused and remain in school. This
19 promotes our university's goal, which is to enable them to achieve social and
20 economic mobility and become productive members of our community.

9. Getting these students emergency assistance as quickly as possible is urgent. WSU is on a semester system, and students will resume classes in the middle of August. Students must begin making plans now to return to school. Having access as soon as possible to money to help pay for unexpected expenses caused by COVID-19 will make the difference for some students who may not have been able to return to WSU for their fall semester.

10. WSU is current in processing every eligible CARES Act request we have received, including for students who benefited from this Court's June 12, 2020 preliminary injunction. My office appreciates the sensitivity and urgency of the circumstances our students face whose educational experience has been impacted by COVID-19. We have dedicated resources specifically to addressing these circumstances, and we have made every effort—and succeeded in—acting on Congress's directive in the CARES Act and this Court's preliminary injunction.

11. I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

DATED this 24th day of June 2020, at Pullman, Washington.

Brian Dixon
BRIAN A. DIXON
Assistant Vice President
Student Financial Services

DECLARATION OF SERVICE

I hereby declare that on this day I caused the foregoing document to be electronically filed with the Clerk of the Court using the Court's CM/ECF System which will serve a copy of this document upon all counsel of record.

DATED this 24th day of June 2020, at Seattle, Washington.

/s/ Jeffrey T. Sprung

JEFFREY T. SPRUNG, WSBA #23607
Assistant Attorney General